

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**A. J. KELLY,**

**Defendant.**

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**CASE NO. 8:08CR247**

**MEMORANDUM  
AND ORDER**

This matter is before the Court on the Report and Recommendation (Filing No. 39) issued by Magistrate Judge Thomas D. Thalken recommending denial of the Defendant's motion to suppress (Filing No. 15). No objections have been filed to the Report and Recommendation as allowed by 28 U.S.C. § 636(b)(1)(C) and NECrimR 57.3(a).

The Defendant seeks an order suppressing statements obtained during questioning while executing a search warrant on April 21, 2008.

Notwithstanding the absence of objections, pursuant to 28 U.S.C. § 636(b)(1)(C) and NECrimR 57.3, the Court has conducted a de novo review of the record. The Court has read the parties' briefs (Filing Nos. 16, 20) and the transcript (Filing No. 42). Because Judge fully, carefully, and correctly applied the law to the facts, the Court adopts the Report and Recommendation in its entirety.

**IT IS ORDERED:**

1. The Magistrate Judge's Report and Recommendation (Filing No. 39) is adopted in its entirety; and
2. The Defendant's motion to suppress (Filing No. 15) is denied.

DATED this 2<sup>nd</sup> day of June, 2009.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge